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OFFICE OF PETITIONS

In re Application of
Royce D. Jordan, Jr.
Application No. 09/965,783
Filed: September 28, 2001
Attorney Docket No. 010554

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ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 6, 2005 requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on June 22, 2005, with the issue fee being due on or before September 22, 2005. The issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of June 22, 2005, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

The \$130 fee submitted for the petition under 37 CFR 1.313(c)(2) will be refunded to petitioner's deposit account.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2155 for appropriate processing of the RCE filed July 6, 2005.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>7-4-06</u>		2 Serial/Patent # <u>09/965783</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
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7 TOTAL AMOUNT OF REFUND			\$ 130	
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
	Overpayment	Credit Deposit A/C #:		
	Duplicate Payment	9 06--1130		
	No Fee Due (Explanation):			
Petition dismissed as moot.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Karen Creas</u>		TITLE: <u>Ret Exm.</u>		
SIGNATURE: <u>Karen Creas</u>		PHONE: <u>2-3208</u>		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Royce D. Jordan, Jr.)
SERIAL NO.: 09/965,783) ART UNIT:
FILED: September 28, 2001) 2155
FOR: TEXT MESSAGE DELIVERY FEATURES) EXAMINER:
FOR AN INTERACTIVE WIRELESS NETWORK) Nawaz

I hereby certify that this correspondence is
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Sheila Smedick

Sheila Smedick 6-30-05
signature date

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PETITION TO WITHDRAW FROM ISSUE
UNDER 37 CFR § 1.313(c)

Applicant hereby petitions under 37 CFR §1.313 (c)(2) to withdraw the
application from issue. Applicant also submits herewith a Request for Continued
Examination under 37 CFR § 1.114 and an Information Disclosure Statement.

07/08/2005 CCHAU1 00000073 09965783

02 FC:1464 130.00 DA

Adjustment date: 01/05/2006 CKHLOK
07/08/2005 CCHAU1 00000073 061130 09965783
02 FC:1464 130.00 CR

00159
BLL-0285

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Please charge the petition fee of \$130.00, and any other necessary fee, to Deposit
Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
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Bloomfield, CT 06002
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Date: June 30, 2005

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